

ATTORNEY DOCKET NO.  
017575.0678  
(TAMUS 1754)

PATENT APPLICATION #16  
09/297,895

1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Eva Sevvick-Muraca, et al.  
Serial No.: 09/297,895  
Filing Date: November 7, 1997  
Group Art Unit: 2877  
Examiner: Richard A. Rosenberger  
Confirmation No.: 1419  
Title: PARTICLE ANALYSIS SYSTEM AND METHOD

**Mail Stop Petition**

Commissioner of Patents  
P. O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

PETITION TO REVIVE UNINTENTIONALLY ABANDONED APPLICATION  
UNDER 37 C.F.R. 1.137(b)

Applicant respectfully requests that the above-captioned patent application be revived and that prosecution continue thereon in accordance with 37 C.F.R. § 1.137(b). This application was unintentionally abandoned by a failure to file a timely and proper Response to the Final Office Action dated March 7, 2002. The response was due May 7, 2002, extendable under 37 C.F.R. § 1.136(a) until September 7, 2002. The entire delay in filing the required response from the due date for response until the filing of this petition pursuant to 37 C.F.R. § 1.137(b) was unintentional.

A copy of Applicant's Response and Terminal Disclaimer filed concurrently is attached hereto. Applicant respectfully requests that examination proceed based on the attached Response. A check in the amount of \$750.00 is enclosed to cover the petition fee required under 37 C.F.R. § 1.17(m).

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PATENT APPLICATION  
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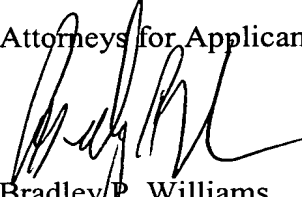
A copy of the Revocation and Appointment of New Attorneys previously submitted is also enclosed.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment for this paper to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.

Attorneys for Applicant



Bradley P. Williams

Reg. No. 40,227

Dated: 5 July 2005

2001 Ross Avenue, Suite 600  
Dallas, Texas 75201-2980  
(214) 953-6431

Customer No.: **05073**



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Eva Sevvick-Muraca, et al.

Serial No.: 09/297,895

Filing Date: November 7, 1997

Examiner: R. Rosenberg

Art Unit: 2877

Title: PARTICLE ANALYSIS SYSTEM AND METHOD

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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JUL 13 2005

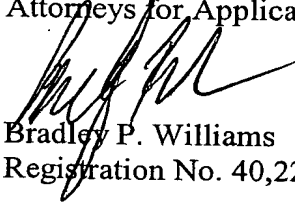
OFFICE OF PETITIONS

Dear Sir:

TRANSMITTAL OF POWER OF ATTORNEY

A Revocation of Attorney and Appointment of New Attorneys is transmitted herewith for filing in the above-identified patent application.

Respectfully submitted,  
BAKER BOTTS L.L.P.  
Attorneys for Applicants

  
Bradley P. Williams  
Registration No. 40,227

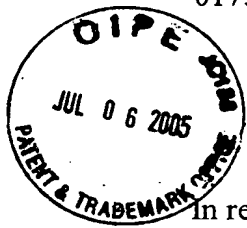
Date 1-24-05  
2001 Ross Avenue, Suite 600  
Dallas, TX 75201-2980  
(214) 953-6447  
Attorney Docket No. 017575.0678 (TAMUS 1754)

Customer No.: 05073

ATTORNEY DOCKET NUMBER  
017575.0678

PATENT APPLICATION  
09/297,895

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Eva Sevick-Muraca, et al.  
Serial No.: 09/297,895  
Filing Date: November 7, 1997  
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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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**OFFICE OF PETITIONS**

Dear Sir:

REVOCATION OF ATTORNEY AND APPOINTMENT  
OF NEW ATTORNEYS FOR NON-PROVISIONAL APPLICATION, WITH  
CERTIFICATE UNDER 37 C.F.R. 3.73(b)

The Texas A&M University System, a Texas non-profit organization and state agency, certifies that it is the assignee in the patent application identified above by virtue of a chain of title from the inventors, of the patent application identified above, to the current assignee as shown below:

1. From: Eva Sevick-Muraca and Huabei Jiang  
To: Purdue Research Foundation  
Assignment recorded at Reel 8409, Frame 0942, on March 17, 1997,
2. From: Joseph Pierce  
To: Purdue Research Foundation  
Assignment recorded at Reel 8408, Frame 0929, on March 17, 1997,

ATTORNEY DOCKET NUMBER  
017575.0678

PATENT APPLICATION  
09/297,895

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3. From: Jeffrey Kao  
To: Purdue Research Foundation  
Assignment recorded at Reel 8408, Frame 0907, on March 17, 1997,
4. From: Purdue Research Foundation  
To: The Texas A&M University System,  
filed concurrently herewith and a copy of which is attached.

I hereby revoke all prior powers of attorney in the subject application and appoint the following as principal attorneys with full power to prosecute this application and transact all business in the United States Patent and Trademark Office connected therewith:

I hereby appoint Practitioners at Customer Number: **05073**  
all of the firm of Baker Botts L.L.P., my attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith, and to file and prosecute any international patent applications filed thereon before any international authorities.

Please address all correspondence to the following:

Bradley P. Williams, Esq.  
at the above-mentioned Customer No.

Please address all phone calls to:

Bradley P. Williams, Esq.  
Direct: 214-953-6447

I, R. Page Heller, Interim Executive Director of the Technology Licensing Office of The Texas A&M University System, a Texas non-profit organization and state agency, am empowered to sign this certificate on behalf of the assignee.

ATTORNEY DOCKET NUMBER  
017575.0678

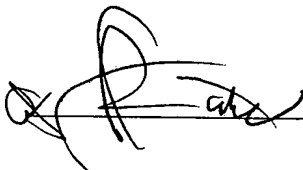
PATENT APPLICATION  
09/297,895

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I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

The Texas A&M University System

13 JAN 05  
Date

By:   
Its: Interim Executive Director

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## PATENT ASSIGNMENT

WHEREAS, PURDUE RESEARCH FOUNDATION (hereafter "Assignor"), a corporation of the state of Indiana, having an address of Office of Technology Commercialization 1291 Cumberland Avenue, West Lafayette, IN 47906, is the owner of the patent applications set forth on Exhibit A hereto and the inventions described and claimed therein (hereafter the "Patent Property"); and

WHEREAS, THE TEXAS A&M UNIVERSITY SYSTEM (hereafter "Assignee"), a Texas non-profit organization and Texas state agency, having an address of Technology Licensing Office, M/S 3369, Texas A&M University System, College Station, Texas 77843-3369, desires to acquire all right, title and interest in and to the Patent Property.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Assignor does hereby sell, assign, transfer and set over to Assignee, all its right, title and interest in and to the Patent Property, as well as all provisionals, continuations, divisions, and continuations-in-part of said Patent Property, and all reissues and extensions thereof, the same to be held and enjoyed by Assignee for its own use and benefit, and for the use and benefit of its successors, assigns, or legal representatives, to the end of the term or terms for which such Patent Property may be granted or reissued, as fully and entirely as the same would have been held and enjoyed by Assignor if this assignment and sale had not been made.

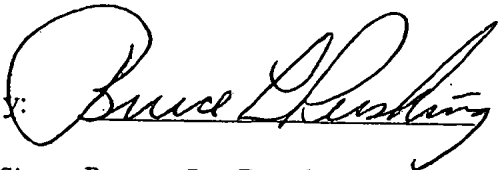
Assignor also assigns to Assignee, all right, title and interest in and to the inventions disclosed in said Patent Property throughout the world, including the right to file applications and obtain patents, utility models, industrial models and designs for said Patent Property in its own name throughout the world, including all rights to publish cautionary notices reserving ownership of said inventions and all rights to register said Patent Property in appropriate registries; and Assignor further agrees to execute any and all powers of attorney, applications, assignments, declarations, affidavits, and any other papers in connection therewith necessary to perfect such right, title and interest in Assignee.

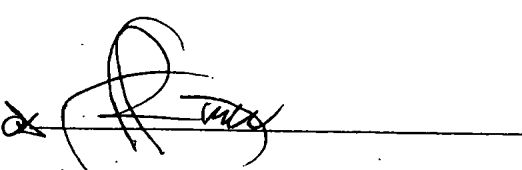
Assignor, at the expense of Assignee, will testify in any legal proceedings, sign all lawful papers, execute all provisional, divisional, continuation, continuation-in-part, reissue and substitute applications, make lawful oaths and declarations, and generally do everything possible to vest title in Assignee and to aid Assignee to obtain and enforce proper protection for said Patent Property in all countries.

IN WITNESS WHEREOF, the parties have caused this Patent Assignment to be executed on the dates and in the capacities shown below.

PURDUE RESEARCH FOUNDATION

THE TEXAS A&M UNIVERSITY SYSTEM

By: 

By: 

Its: Bruce L. Pershing  
INvestment Officer & Corporate

Its: Interim Executive Director

Date: May 30, 2002 Secretary

Date: 13 JAN 2005

STATE OF INDIANA §  
COUNTY OF TIPPECANOE §

Before me, the undersigned, a Notary Public on this day personally appeared Bruce L. Pershing, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of the said PURDUE RESEARCH FOUNDATION, an Indiana corporation, and that he had executed the same as the act of such corporation for the purpose and consideration therein expressed, and in the capacity therein stated.

Given under my hand and seal of office this 30th day of May, 2002.

COURTNEY A HEDGE  
NOTARY PUBLIC STATE OF INDIANA  
BOONE COUNTY  
MY COMMISSION EXP. AUG. 17, 2009

Courtney A. Hedge  
Notary Public in and for  
the State of Indiana

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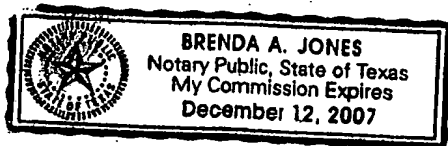
JUL 13 2005

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STATE OF TEXAS §  
COUNTY OF Brazos §

Before me, the undersigned, a Notary Public on this day personally appeared R. Page Heller, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of the said THE TEXAS A&M UNIVERSITY SYSTEM, a non-profit organization and Texas state agency, and that he had executed the same as the act of such organization for the purpose and consideration therein expressed, and in the capacity therein stated.

Given under my hand and seal of office, this 13th day of January, 2003.



Brenda A. Jones  
Notary Public in and for  
the State of Texas

EXHIBIT A

U.S. Patent Applications

<u>Appln. No.</u>	<u>Filing Date</u>	<u>Title</u>
09/297,895	30-June-1999	Particle Analysis System and Method
08/747,112	8-November- 1996	Particle Analysis System and Method

Foreign Patent Applications


<u>Country</u>	<u>Appln. No.</u>	<u>Filing Date</u>	<u>Title</u>
PCT	PCT/US97/20539	07-Nov-1997	Particle Analysis System and Method
EPO	97947450.9	07-Nov-1997	Particle Analysis System and Method

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The "Received" stamp of the Patent and Trademark Office imprinted hereon acknowledges the filing of:

<input type="checkbox"/> Application - Spec., Claims, Abstract (___ Page(s))		<input type="checkbox"/> Verified Statement (___ Page(s))
<input type="checkbox"/> CIP	<input type="checkbox"/> Conv. Prov.	<input type="checkbox"/> Div.
<input type="checkbox"/> Cont.	<input type="checkbox"/> Provisional	<input type="checkbox"/> ___ Mo. Extension of Time (___ Page(s))
<input type="checkbox"/> Informal/Formal Drawing(s) (___ Page(s))		<input type="checkbox"/> Amendment/Response (___ Page(s))
Declaration(s)/Power(s) of Attorney (___ Page(s))		<input type="checkbox"/> Issue Fee Transmittal (___ Page(s))
<input type="checkbox"/> Executed <input type="checkbox"/> Unexecuted		<input type="checkbox"/> Check No. ___ Amt.: \$
<input type="checkbox"/> Assignment w/ or w/o Cover Sheet (___ Page(s))		<input type="checkbox"/> Check No. ___ Amt.: \$
<input type="checkbox"/> IDS and PTO-1449 (___ Page(s))		<input checked="" type="checkbox"/> Other: Transmittal of Power of Attorney (1 Page); Revocation and Appointment of New Attorneys (7 Pages)
<input type="checkbox"/> w/Refs. <input type="checkbox"/> w/o Refs.		
<input type="checkbox"/> Non-Publication Request (___ Page(s))		
Inventor(s): Eva Sevvick-Muraca, et al.		Serial No.: 09/297,895
Title: <i>Particle Analysis System and Method</i>		Receipt Date & Serial No.:
Client: The Texas A&M University System		
BB File No.: 017575.0678		
Mailed: Jan. <u>24</u> 2005		
Due:		
Atty./Secy.: BPW/gjo		
Certificate of Mailing		
<input type="checkbox"/> Express Mail Rcpt. No.:		
<input checked="" type="checkbox"/> First Class Mail		
<input type="checkbox"/> Hand Delivered		

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